

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

FIRST NATIONAL BANK OF ARIZONA, LLC, )  
Federal Deposit Insurance Corporation, )  
as Receiver for First National Bank of )  
Nevada, Successor-In-Interest, )  
Plaintiff(s), )  
vs. ) 2:08-CV-1571-PMP-GWF  
LAKE ELSINORE 521, LLC, ) MINUTES OF THE COURT  
Consol Plaintiff, ) DATED: October 18, 2012  
vs. )  
JASON HALPERN, et al., )  
Defendant(s). )

PRESENT: THE HONORABLE PHILIP M. PRO, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Donna Sherwood COURT RECORDER: Henry Enriquez

COUNSEL FOR PLAINTIFF(S): Randolph L. Howard, E. Daniel Kidd

COUNSEL FOR DEFENDANT(S): Christopher H. Byrd, Patrick J. Sheehan

**PROCEEDINGS: COURT TRIAL (DAY 3)**

9:00 a.m. Court convenes.

The Court addresses counsel.

Mr. Howard advises the Court on Tuesday he moved to strike the counterclaims of defendants. Mr. Byrd has provided evidence that the denial of claims is in the court records, even though it is not in the disclosures. Mr. Howard withdraws his Motion to Strike Counterclaims as to Mr. Byrd's defendants. Mr. Howard moves to strike counterclaims as to John Knott, Bruce Isaacson and KH Capital as there are no proof of claims as to these defendants.

The Court hears the representations of Mr. Sheehan and Mr. Howard.

Mr. Sheehan introduces Mr. Isaacson and advises the Court he wants to join in their defense although he is pro se.

Mr. Isaacson states he is pro so and not able financially to present a defense but would second what Burns defendants have done.

On the stipulation of counsel, **IT IS ORDERED Defendants' Exhibits 521 and 566 are marked and admitted in evidence.**

The Court hears the closing arguments of Mr. Howard on behalf of Plaintiff and Mr. Sheehan on behalf of defendants.

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**IT IS ORDERED** Defendants' Motion to Exclude Untimely Disclosures is **DENIED**.

On the suggestion of Mr. Howard, counsel stipulate they will have thirty days after the Court's ruling to supplement the record as to the interest rate and to file motions for attorney's fees.

Counsel briefly address the Court as to the Judicial Notice Motion and stipulate the Court may take that motion under submission.

11:00 a.m. Court adjourns.

LANCE S. WILSON, CLERK

By:

/S/

Donna Sherwood, Deputy Clerk